

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**MICHAEL PRINCE, JR.**

**PLAINTIFF**

**VS.**

**CASE NUMBER: 4:13cv165-SA-JMV**

**WASHINGTON COUNTY, MISSISSIPPI,  
SHERIFF MILTON GASTON, in his Official Capacity,  
LIEUTENANT MACK WHITE,  
in his individual and official capacity,  
DEPUTY MARVIN MARSHALL,  
in his individual and official capacity, and  
JOHN DOES 1-10**

**DEFENDANTS**

**MOTION FOR SUMMARY JUDGMENT**

**COME NOW**, Defendants, by and through counsel, and pursuant to FED. R. CIV. P. 56, and files this Motion for Summary Judgment and in support thereof would show as follows:

1. Michael Prince, Jr. instituted this lawsuit on June 19, 2013, by filing a Complaint in the Circuit Court of Washington County, Mississippi, making various allegations of violations of his constitutional rights arising from his arrest on March 16, 2012. *See* Complaint, Dkt. #1.
2. There is no genuine dispute as to any material fact which would preclude the entry of a summary judgment as to all claims herein.
3. Defendants adopt and incorporate herein by reference the matters and authorities cited in the Defendants' Memorandum of Authorities in Support of Motion for Summary Judgment being filed contemporaneously herewith.
4. As evidentiary support, Defendants rely upon the following documents attached hereto and incorporated herein by reference:

**Exhibit A -Deposition of Mack White**

**Exhibit B** -Deposition of Marvin Marshall

**Exhibit C** -Deposition of Milton Gaston

**Exhibit D** -Deposition of Jeffrey Parson

**Exhibit E** -Deposition of Michael Prince, Jr.

**Exhibit F** -Exhibits 1-15 to Depositions

**Exhibit G** -Deposition of Bobbie White with exhibits

**Exhibit H** -Correspondence from Michelle Seard-Higgins, DMD, PLLC

**WHEREFORE**, pursuant to FED. R. CIV. P. 56, Defendants move for summary judgment

and for any other reason the Court deems proper in the premises.

Date: May 30, 2014.

**Respectfully Submitted,**

**WASHINGTON COUNTY, MISSISSIPPI,  
SHERIFF MILTON GASTON, in his Official and  
Individual Capacities**

By /s/ P. Scott Phillips

P. Scott Phillips, Esq.

MS Bar No. 4168

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on **May 30, 2014**, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document was served this day on all counsel of record listed below via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive Notices of Electronic Filing.

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*s/P. Scott Phillips, Esq.* \_\_\_\_\_

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